

No. 9863

**FRANCE
and
SWITZERLAND**

**Convention concerning the extension into French territory
of the site of the European Organization for Nuclear
Research (with annex and plan). Signed at Geneva on
13 September 1965**

Authentic text: French.

Registered by France on 4 September 1969.

**FRANCE
et
SUISSE**

**Convention relative à l'extension en territoire français du
domaine de l'Organisation européenne pour la recherche
nucléaire (avec annexe et carte). Signée à Genève le
13 septembre 1965**

Texte authentique: français.

Enregistrée par la France le 4 septembre 1969.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE FEDERAL COUNCIL OF THE SWISS CONFEDERATION CONCERNING THE EXTENSION INTO FRENCH TERRITORY OF THE SITE OF THE EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

The Government of the French Republic (hereinafter referred to as “ the French Government ”), of the one part,

The Federal Council of the Swiss Confederation (hereinafter referred to as “ the Federal Council ”), of the other part,

Considering that, in order to help the European Organization for Nuclear Research (hereinafter referred to as “ the Organization ”) in the exercise of its functions, France and Switzerland, each in so far as it is concerned, have placed at the disposal of the Organization land situated in France and Switzerland respectively, on which the Organization has erected or will erect the buildings or installations that it needs in order to carry out the activities assigned to it under the Convention for the Establishment of a European Organization for Nuclear Research, signed at Paris on 1 July 1953,² as well as under any agreement providing for a supplementary programme of activities;

Considering that the site of the Organization is traversed by a border separating two different national sovereignties and that this circumstance could give rise to special situations;

Have agreed as follows :

Article I

The provisions of article I, paragraph 2, of the Paris Convention of 1 July 1953, specifying that the seat of the Organization shall be at Geneva, shall not in any way be affected by this Convention.

Article II

Subject to the provisions of the Agreement concluded between the Federal Council and the Organization on 11 June 1955,³ and that concluded between the

¹ Came into force on 5 March 1968, the date of the last of the notifications by the Contracting Parties informing each other of the completion of the formalities necessary under their respective Constitutions, in accordance with article XII.

² United Nations, *Treaty Series*, vol. 200, p. 149.

³ *Ibid.*, vol. 249, p. 405.

French Government and the Organization on 13 September 1965,¹ and to the provisions of this Convention and of the annex which is an integral part thereof, the laws and regulations of the Swiss Confederation and those of the French Republic shall apply respectively to that part of the Organization's site which is situated in Swiss territory and to that part of the Organization's site which is situated in French territory.

Article III

The authorities of each State shall be empowered to take action only in that part of the Organization's site which is situated in the territory of their own State. As an exception to this rule, they may, for the reasons and in the circumstances stated in the annex to this Convention, take action in that part of the Organization's site which is situated in the territory of the other State.

The authorities taking such action shall respect the rights and prerogatives accorded to the Organization by virtue of the Agreements which each of the two States has concluded with it.

Article IV

Although France and Switzerland shall not, by reason of the Organization's activities in their respective territories, incur any international responsibility for acts or omissions of the Organization or of its employees in the exercise of their functions, the French Government and the Federal Council shall combine their efforts in cases in which the authorities of the two countries find it necessary to take joint action in the general interest.

Article V

The competent civilian or military authorities of the two States concerned shall, each in so far as it is concerned, take any measures they deem necessary to safeguard the security of the two States.

Where the circumstances so require, they may agree on the nature and scope of such measures with a view to ensuring effective co-operation with one another and also with the Organization, enabling, as far as possible, the interests of all parties to be respected.

Article VI

The passage of persons or property through the entrance to the site of the Organization situated in French territory shall be prohibited, save in the cases specified in article 5 of the annex to this Convention and in article 9, paragraph 5, of the lease pertaining to the land in French territory which has been leased to the Organization.

¹ See p. 43 of this volume.

Article VII

Any French official duly authorized and engaged in the performance of official duties, whether in uniform or not, may have free access to the Organization through the entrance situated in Swiss territory, using the road between the communes of St. Genis and Meyrin. He shall produce official documents indicating his identity, his status and his duties.

Article VIII

The Organization has given an undertaking to the French Government that it will ensure that the boundary marks delimiting the border between French and Swiss territory are kept intact.

If a boundary mark is damaged or displaced, the French and Swiss authorities, on being so advised by the Organization, shall inform the latter of the work to be done in order to restore it to its previous condition and shall, on completion of such work, verify that the rights of the two States concerned have been respected.

The French Government and the Federal Council note that no building or installation may be erected above ground by the Organization along the entire length of the part of the French-Swiss border which is shown in red on the attached plan¹ for a width of 10 metres in French territory and 2 metres in Swiss territory, measured from the border between the two States.

However, if the Organization wishes to erect, in the area referred to in the third paragraph, a building or installation which it deems essential for the efficient conduct of its work, the French Government and the Federal Council, after being duly notified by the Organization, shall consult one another with a view to deciding whether, by way of exception, permission may be granted for the construction requested.

A plan showing the boundaries of the site of the Organization is annexed to this Convention.

Article IX

In the event that Switzerland is required to carry out the task of liquidation incumbent upon it under article XIV of the Paris Convention, the Federal Council shall ensure that the officials it appoints for that purpose take strict account of the special rights — and particularly the preferential rights — granted to the French Government under the Agreement and the lease which that Government concluded with the Organization on 13 September 1965 with respect to conditions concerning the occupation and use of the lands situated in French territory and placed at the Organization's disposal.

¹ See insert between pp. 60 and 61 of this volume.

A certified copy of the Agreement and of the lease of 13 September 1965 shall be transmitted by the French Government to the Federal Council for all necessary purposes.

Article X

Any dispute concerning the interpretation or application of this Convention which is not settled by direct negotiation shall be settled in accordance with the provisions of the Treaty between France and Switzerland providing for Compulsory Conciliation and Arbitration, signed at Paris on 6 April 1925,¹ it being understood however that such a dispute may not be regarded as coming within the purview of article 2 of the aforesaid Treaty.

Article XI

The French Government and the Federal Council shall transmit to one another any information which they may have concerning circumstances pertaining to the special status of the Organization in their respective territories and to its legal status which may require decisions to be taken within the framework of this Convention.

Article XII

Each Contracting Party shall notify the other of the completion of the formalities necessary under its Constitution in order to give effect to this Convention. The Convention shall enter into force on the date of the last such notification.

Article XIII

This Convention shall remain in force as long as the Agreement of 11 June 1955 between the Federal Council and the Organization and the Agreement of 13 September 1965 between the Government of the French Republic and the Organization remain in force. If either of those Agreements is terminated, this Convention shall cease to have effect on the same date as the Agreement in question.

DONE in duplicate at Geneva, on 13 September 1965.

For the Government
of the French Republic :

J. MARTIN

For the Federal Council
of the Swiss Confederation :

J. BURCKHARDT

¹ League of Nations, *Treaty Series*, vol. CXLVII, p. 89.

ANNEX TO THE CONVENTION BETWEEN THE GOVERNMENT OF THE
FRENCH REPUBLIC AND THE FEDERAL COUNCIL OF THE SWISS
CONFEDERATION CONCERNING THE EXTENSION INTO FRENCH
TERRITORY OF THE SITE OF THE EUROPEAN ORGANIZATION FOR
NUCLEAR RESEARCH

Article 1

In the case of offences committed on the part of the Organization's site situated in the territory of one of the two States, the authorities of that State may, in cases of emergency, take on that part of the Organization's site situated in the territory of the other State all appropriate measures for the prosecution and preliminary investigation of such offences. They may, in particular, authorize their officials to arrest the person presumed to have committed the offence and to seize any objects connected with the offence or constituting evidence which are found on the aforesaid part of the Organization's site.

The officials who have taken any of the aforesaid measures shall hand over the person arrested or the objects seized to the officials of the State in whose territory the arrest or seizure took place. An account of such action shall be given in an official report prepared in duplicate for each of the two States.

The regulations on extradition and mutual judicial assistance in force between the two States shall then be applicable.

Pending receipt of the request for provisional arrest for the purpose of extradition, the aforesaid arrest may continue for forty-eight hours.

Article 2

The provisions of article 1 of this annex shall also apply in cases of emergency when officials of either State are engaged, at the request of the Director-General of the Organization, in providing protection or in maintaining order on the site of the Organization.

Article 3

The State in whose territory action of the kind referred to in articles 1 and 2 above is taken shall be immediately informed of such action by the authorities of the other State.

Article 4

Upon the entry into force of the Convention, each State shall inform the other of the title and address of the authorities to be informed in application of article 3 of this annex.

Article 5

Officials of each of the two States shall use the outer gates of the Organization which are situated in the territory of their own State when taking to that territory persons arrested and objects seized.

Article 6

The measures taken on the part of the Organization's site situated in the territory of one State by officials of the other State shall be governed by the law of the latter State. Such officials may use their weapons only in self-defence.

Article 7

The authorities of each State shall afford the same protection as that afforded by their own laws in respect of the officials of the other State and the measures taken by them in the performance of their duties.

Article 8

Offences committed by persons having the nationality of one of the two States in the part of the Organization's site situated in the territory of the other State shall be prosecuted and tried in accordance with the laws of that State by the authorities of the State of which the persons presumed to have committed such offences are nationals.

Article 9

Actions for the recovery of compensation in respect of damage caused by the officials of one State in the territory of the other State shall be brought before the competent courts of the State of which the person who committed the act is a national. They shall be decided as if the wrongful act was committed in the territory of the latter State and there shall be no discrimination in treatment based on the nationality of the injured party.
